

P.O.S.T. BOARD MEETING

RECORD OF PROCEEDINGS

September 28, 2012

The Peace Officer Standards and Training Board held its 380th Board meeting at the Grand Junction Police Department in Grand Junction, Colorado with the following in attendance:

BOARD MEMBERS

ATTORNEY GENERAL JOHN SUTHERS
CHIEF MARK BECKNER
CHIEF JOHN CAMPER
SHERIFF JAMES FAULL
SHERIFF CHRIS JOHNSON
CHIEF DANIEL OATES
SHERIFF KIRK TAYLOR
SHERIFF DAVID WEAVER
CHIEF DAVID WOHLERS

BOARD MEMBERS ABSENT

SHERIFF RON BRUCE (excused)
CHIEF HEATHER COOGAN (excused)
EXECUTIVE DIRECTOR JAMES H. DAVIS (excused)
CHIEF ROBERT C. WHITE (excused)
SAC JAMES F. YACONE (excused)

BOARD COUNSEL

DIANE MARIE DASH, Senior Assistant Attorney General

STAFF MEMBERS

MICHAEL DOUGHERTY, Deputy Attorney General
STEFANIE MACKEY, P.O.S.T. Grant & Training Coordinator
LORI JENCKS, P.O.S.T. Administrative Assistant
SARA SCHODER, P.O.S.T. Intern

MEMBERS OF THE PUBLIC IN ATTENDANCE

KEVIN BRUN, Colorado Mountain College, Glenwood Springs
JOHN FOECHTERLE, Montrose County Sheriff's Office
PAUL FREY, Delta-Montrose Technical College Law Enforcement Academy
TIM GIEBELS, United States Secret Service
ED KAFEL, El Paso County Sheriff's Office
JANET LARSON, County Sheriff's of Colorado (CSOC)
DARREN O'DRISCOLL, El Paso County Sheriff's Office
KATHY SASAK, Colorado Dept of Public Safety, on behalf of JAMES H. DAVIS
KARL SMALLEY, Adams County Sheriff's Office
ERIC R. STEWART, Aurora Police Department

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on September 28, 2012.

Firearms Subject Matter Expert Committee

Introductions:

1. Welcome

*Attorney General John Suthers
Chief John Camper, Grand Jct. PD*

2. Introduction of P.O.S.T. Staff

3. Introduction of Board Members, S.M.E. Members and Guests

4. Roll Call

*Deputy Attorney General
Michael Dougherty*

Declaration of a Quorum

5. Approval of P.O.S.T. Board Minutes for June 8, 2012

Approved Unanimously

Presentations:

6. Subject Matter Expert (S.M.E.) Committee Reports

a. Curriculum

*Sgt. Darren O'Driscoll, Chairman
Sgt. Graham Dunne, Vice-Chairman
Vacant, Board Member*

The Committee last met in July in Denver. Lesson plans were approved for Highlands Ranch Public Safety Training Institute Refresher Academy, Weld County Law Enforcement Training Academy Refresher Academy, and the Jefferson County SO & Lakewood PD Combined Regional Basic Academy programs after final changes were completed. Committee members were involved in the test question writing sessions for the new P.O.S.T. written exam. The Curriculum Bibliography has been completely updated. Membership and attendance requirements for the Committee have been discussed and will be finalized at the next meeting in El Paso County Oct. 12, 2012. A priority for the October and subsequent meetings is the review of the Reserve Academy programs. No questions were asked by those in attendance.

b. Arrest Control
(Presented by Deputy Attorney
General Michael Dougherty)

*Sgt. Richard "JJ" Webb, Chairman
Vacant, Board Member*

The last Committee meeting was in June. Members of the Committee assisted with a test-out at the Colorado State Patrol Academy in July. In July Committee member Matt Tyner was killed in the line of duty. Members of the POST Unit and the Criminal Justice Section of the Attorney General's Office attended the service. He will be missed by the committee and by the community. An inspection for the Committee was scheduled with Cristine Mack for October. The next meeting is at the Jefferson County Sheriff's Office in October. No questions were asked by those in attendance.

c. Firearms

*Deputy Ed Kafel, Chairman
Tech. Robert Winckler, Vice-Chairman
S.A.C. James Yacone, Board Member*

The Firearms S.M.E. Committee has inspected five programs to date: Southwest Regional Academy, Colorado State Patrol, Adams County Sheriff's Office, Pikes Peak Community College and Red Rocks Community College. All were found to be within P.O.S.T. compliance requirements. In October the Committee will inspect El Paso and Otero County Academies. Steve Oulliber has been added as a new member from Aurora PD. Anita Koester, from Lakewood PD, is pending Committee interview and will be added as a new member at the October meeting. Minor changes were made to the Firearms training program regarding the qualification course, clarifying the language. No vote necessary. No questions were asked by those in attendance.

d. Law Enforcement Driving

*Lt. Karl Smalley, Chairman
Mr. Al Padilla, Vice-Chairman
Chief Heather Coogan, Board Member*

The last Committee meeting was at the Arapahoe County Sheriff's Office new training facility, which was recently approved. Two full instructors and an assistant instructor (from US Dept of Commerce Police Department) were approved for the Adams County Sheriff's Office Academy. The Committee reviewed the Driving Skills Inspection Report and determined no changes were required. The Committee discussed possible changes in the test-out process for out-of-state applicants as they have some concerns with the skills exhibited by applicants. Changes may be made so the skills coincide more closely with academy testing procedures. The issue will be discussed at the next meeting. The Pueblo Community College inspection was completed in September with positive results. The last test-out was completed last week, and another is planned in November at Denver PD. No questions were asked by those in attendance.

Action Items:

7. Appointment of Board Representatives to Curriculum and Arrest Control S.M.E. Committees

Sheriff Kirk Taylor volunteered to act as the Board representative for the Curriculum Committee.

Approved Unanimously

Chief Dan Oates volunteered to act as Board representative for the Arrest Control Committee.

Approved Unanimously

8. Formal Rule Making Hearing

*Attorney General John Suthers
Senior Assistant Attorney General
Diane Dash
Deputy Attorney General
Michael Dougherty*

Rule changes regard the elimination of the Conditional Certification. There is an Emergency Rule currently in effect. A Final Rule will be filed after the Board meeting. The changes eliminate any reference to Conditional Peace Officer Authority. Individuals will now receive Basic Certification upon successful completion of a Basic Law Enforcement Academy. This change was brought about by difficulties in Conditional officers finding employment within the certification period (one year plus the possible 6 month extension) after completing the academy. Basic Certification expires three years from the date of certification. If an officer is working as a Peace Officer or Reserve Peace Officer, the Basic Certification does not expire. Legislation was passed August 8, 2012. These changes align P.O.S.T. rules with the change in law.

a. Summary of proposed P.O.S.T. Rule Changes

Colorado Department of Regulatory Affairs Review/Response

- | | |
|--------------|--|
| i. Rule 1 | Definitions |
| ii. Rule 10 | Conditional Peace Officer Authority and Basic
Peace Officer Certification |
| iii. Rule 15 | Certification Examination-Conditional, Provisional,
Renewal |
| iv. Rule 18 | Certification Suspension and Revocation-Basic,
Conditional, Provisional, Renewal and Reserves |

b. Public Comment - None

Approved Unanimously

A motion was made to submit a rule change for Rule 10 Section C to clarify the wording stating that the expiration period for Basis Certification is three years from the date of certification. The statute states that Basic Certification will expire automatically at three years from certification unless the certificate holder is serving as a peace officer or reserve peace officer. The rule change will align Rule 10 with statute.

Approved Unanimously

**9. Formal Review of Proposed Changes to 2013
P.O.S.T. Manual**

*Senior Assistant Attorney General
Diane Dash*

- a. Curriculum Bibliography
Major revision, no vote required.
- b. Basic, Reserve and Refresher Academic Training Programs
No vote required.
- c. Programs – Firearms Training Program and Handgun Instructor Program
Minor language changes, no vote required.
- d. Forms Changes/Deletions
Eliminate/edit forms to reflect elimination of Conditional Certification. No vote required.
- e. 2013 Heading Changes
Headings will change to reflect new address and phone numbers for P.O.S.T. upon move to new office January 18-20, 2013. No vote required.

10. Sunrise Review

Chief John Camper

The request for Sunrise Review of Peace Officer status for the United States Secret Service was reviewed by the sub-committee on August 21, 2012. All forms were submitted correctly and contained all required information. The P.O.S.T. Board sub-committee believed there would be a direct benefit to the public by granting Peace Officer Authority to Secret Service Agents. There will be no fiscal impact on the State of Colorado. Secret Service training meets or exceeds Colorado standards of training. The sub-committee unanimously recommended that the application for Sunrise review of Peace Officer status be approved.

Approved Unanimously

11. Additional Grant Funding Requests

Each year P.O.S.T. has a budget of approximately \$2,000,000 within their grant fund spending authority. In recent years, approximately \$200,000 has been returned unused each year. P.O.S.T. staff has discussed with grantees the importance of using all grant funds awarded to them and will continue to do so, in order to avoid any reduction in training programs for peace officers or funding dollars.

P.O.S.T. has approximately \$107,000 available to allocate to grantees at present.

- a. County Sheriffs of Colorado (CSOC) *Janet Larson*

For the 2012-2013 fiscal year grant cycle all applications from training regions and providers were reduced by 15% because P.O.S.T. did not have spending authority for sufficient funds to cover the initial requests. CSOC is now requesting funds to restore some of the 15% reduction incurred.

With consideration of the other requests presented, CSOC is willing to reduce the additional funds requested.

Requested amount: \$43,900.06

- b. Leading Police Organization Training Program *Chief Dan Oates*

September 28, 2012 P.O.S.T. Board Meeting

The Colorado Association of Chiefs of Police (CACP) has been partnering with International Association Chiefs of Police (IACP) for the last three years to bring the LPO training program, developed by IACP, to Colorado. CACP has already received grant funds to run three classes for this fiscal year and is asking for additional funding to run eight additional classes by the end of the fiscal year.

Eric R. Stewart of the Aurora Police Department made a presentation regarding the value of LPO training. The goal of the class is to develop current and future leaders and to enhance public trust. The present plan is to hold 15 classes beginning the first week of October, 2012 through December 2013 to train 540 future leaders. Training would be open to all Colorado agencies. At present, IACP has 12 instructors who will be used for the trainings until Colorado instructors can be trained. Using IACP instructors is expensive, and training Colorado instructors would result in a significant savings.

Requested amount: \$133,250

Alternative funding has not been discussed at this time, though Chief Oates may discuss with Chiefs and Sheriffs whether agency funds might be used as well.

c. Colorado P.O.S.T. – Online Exam

Requested amount: \$10,000

An alternative funding source may be Region 11 funds, though that may not be possible.

(See Informational Item #13, below)

Motion presented by Board members that the \$107,000 available be allocated as follows:

\$77,000 to CACP for the LPO Training Programs
(to be reduced by \$10,000 if spending authority cannot be obtained or Region 11 funds cannot be used to provide for the additional cost of P.O.S.T. online test development.)

\$30,000 to CSOC for additional training.

\$10,000 to remain with P.O.S.T. for online test development (if another funding source is not obtained)

Approved Unanimously

There is currently \$811,000 in the P.O.S.T. account for which there is no spending authority. Two years ago the account had approximately \$400,000. The increase is due, in part, to the return of unused grant funds (approximately \$200,000 each year in recent years). To obtain authority to utilize these funds, P.O.S.T. must formally request spending authority from the Legislature. This request would require a supplemental request for a one-time training program, or a decision item to obtain permanent access to the funds for a continuing training program. P.O.S.T. will have to show a compelling need to obtain these funds. The fact that P.O.S.T. has had unspent funds for at least the last two years may indicate to the Legislature that the funds are not needed and they may not grant spending authority.

September 28, 2012 P.O.S.T. Board Meeting

The Board briefly discussed proposed trainings that could be funded by P.O.S.T. funds if spending authority is granted:

a. Elder Abuse Prevention and Investigation Training

This potential request is in response to pending legislation regarding the mandatory reporting of elder abuse. It has been suggested by stakeholders that P.O.S.T. may provide funds for this training. No formal proposal or dollar amount requested at this time.

b. Human Trafficking Training

P.O.S.T. has been asked to consider providing funding for this training that will be coming up next year. No formal proposal or dollar amount requested at this time.

The Board members suggested that future funding for the Elder Abuse and Human Trafficking training and any new mandated training be provided by requesting spending authority or a decision item to obtain funds from the \$811,000 in the P.O.S.T. account as these trainings may require permanent sources of funding. Requesting additional spending authority from the Legislature for these and other similar courses may be successful. The Board wants to see the funds used for training programs.

Between now and the December P.O.S.T. Board meeting, a list of potential uses for the remaining money in the P.O.S.T. account should be assembled, for which we may request additional spending authority.

Informational Items:

12. P.O.S.T. Board Director

*Deputy Attorney General
Michael Dougherty*

There were 68 applicants for the position of P.O.S.T. Director. Thirty-six applicants met the minimum qualifications and underwent a written exam. The top 10 candidates participated in oral board interviews and the top three finalists continued to final interviews and are currently undergoing background and reference checks. P.O.S.T. anticipates announcing the new director next week.

13. P.O.S.T. Online Exam

*Deputy Attorney General
Michael Dougherty*

The process to revise the P.O.S.T. exam started in March. I/O Solutions, the company selected to develop the exam, was planning to write the questions, but the S.M.E. Curriculum Committee requested that SME members be involved. There have been five question-writing sessions resulting in 650 questions drafted, which will be reduced to 400 questions. I/O Solutions has also completed a job analysis report which was reviewed by Dr. Thomas Haladyna, a test development and evaluation authority and professor emeritus at Arizona State University. P.O.S.T. is setting up three field test sessions in three locations the second week of October to try out the sample test. P.O.S.T. is requesting volunteers who are employed as peace officers and have been recently hired to take the pen and paper test. Field

testing is to be completed by October 31, 2012. The online exam is currently scheduled to be online and available for use by December 3, 2012.

The test will be entirely online and at present all academies have the facilities to accommodate the testing, with exception of Highlands Ranch Public Safety Training Institute, which has made arrangements with P.O.S.T. to administer the test at the Department of Law in Denver. There will be three completely different exams with four forms of each exam. Each form will have the same questions in varied order. The system used for testing is secure and computers cannot access any other applications or online sources while the test is being taken. We will inspect the academy systems in the beginning to make sure they are compliant. The applicant taking the test will see pass/fail results upon completion of the exam. A report will be sent to the academy if an applicant fails, with a breakdown of number of items/percentages missed in each category of the test and what they may need to study prior to re-taking the exam.

The additional \$10,000 requested funding is due to delays caused by the SME Curriculum Committee's inclusion in the question-writing sessions which altered the original schedule, and for travel costs for I/O Solutions staff traveling to Denver more frequently than was originally planned.

I/O Solutions will continue to review the test results and adapt the test as needed as specified in their contract agreement with P.O.S.T. There may be changes in pass/fail rates once the new online test format is implemented, which P.O.S.T. will monitor.

14. Public Comment on P.O.S.T. Issues

No comments

15. General Comments

Attorney General John Suthers

Deputy Attorney General Michael Dougherty is leaving his position with the Department of Law in January, 2013. He will be working as the Assistant District Attorney for Jefferson County. Michael has done an excellent job and will be missed.

General Suthers expressed his appreciation to the law enforcement agency leaders for contributing to the atmosphere of cooperation with each other and other state and federal agencies that exists in Colorado.

16. Adjournment

General Suthers called for a motion to adjourn.

Approved unanimously

Meeting end: 11:44 am (1 Hour 44 Minutes)

Next P.O.S.T. Board Meeting:

Friday December 7, 2012 – POST Board Meeting (DOL, Denver CO)